

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

D'JANGO HENDRIX,

Petitioner,

: Case No. 1:17-cv-623

- vs -

District Judge Douglas R. Cole
Magistrate Judge Michael R. Merz

WARDEN, Lebanon Correctional
Institution,

:

Respondent.

**AMENDED DECISION AND ENTRY ON RESPONSE TO ORDER
FOR CLARIFICATION**

This habeas corpus action is before the Court on Petitioner's Motion for Reconsideration (ECF No. 91) of the Magistrate Judge's Decision and Order Denying Motions For Leave To Amend, To Expand The Record, And To Conduct Discovery ("Decision and Order," ECF No. 87). In response, the Magistrate Judge ordered Petitioner to clarify whether he wished to have the Magistrate Judge reconsider his decision or whether, instead, he wished to have his Motion for Reconsideration considered as a set of objections (Order for Clarification, ECF No. 93). Petitioner has now responded, choosing the "objections" alternative.

Accordingly, it is hereby ORDERED that the Clerk amend the docket for ECF No. 91 to read "Petitioner's Objections to April 28, 2023, 87 Order on Motion for Leave to Amend, to Expand the Record and to Conduct Discovery by Petitioner D'Jango Hendrix."

Petitioner also requests to be allowed to “add the proper Objections headings” and then has filed, without Court permission, a document labeled “Petitioner's Objections to the Magistrate Judge's April 28, 2023 Decision and Order Denying Motions for Leave to Amend, to Expand the Records, and to Conduct Discovery.” (ECF No. 96). The request to add “proper Objections heading” is DENIED and the new set of Objections is STRICKEN. There is no need for “proper Objections headings,” whatever they might be. And the Motion for Reconsideration was filed within the time allowed by Fed.R.Civ.P. 72(a) for filing objections, but the new set of Objections was not.

The Magistrate Judge has not minutely compared the two documents, so it may be that there are no substantive differences. However, given the length of the record in this case already, that is not an issue the Court wishes to adjudicate. Moreover, accepting the new set of Objections would extend the State’s opportunity to respond from May 26, 2023, to June 2, 2023.

May 23, 2023.

s/ Michael R. Merz
United States Magistrate Judge